NO. 56583-8-II

COURT OF APPEALLS, DIVISION II

OF THE STATE OF WASHINGTON

MELANIE RAM,

Plaintiff Pro Se, Appellant,

v.

PORT WASHINGTON, LLC.

Respondent,

REPLY BRIEF OF APPELLANT

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INTRODUCTION

During his Motion for Summary Judgement the Defendant made great investments in arguing a legal case unrelated to the Plaintiff's claims against him. Among the unsupported counterclaims raised by the Defendant were:

1. That the Plaintiff had filed her civil action against the Defendant for exposure to Ulocladium

2 That the Plaintiff had a long history of health problems bleeding AND RESPIRATORY

3. That the Plaintiff's bleeding was caused by "A" hemorrhoid she may have had up to 8 years before living on the Defendant's property.

4. That she had a once in a lifetime panic attack and not a severe allergic reaction after being exposed to the content of the sample.

The Defendant does not support any of these allegations with documented fact or medical examination but with the opinion of a Dr. Darby, an environmental medicine practitioner who specializes in litigation. He is of course NOT a licensed gastroenterologist, allergist, or psychiatrist. His baseless assertions were contradicted by the Plaintiff's Gastroenterologist and Allergist alongside the Plaintiff's medical records and all other evidence brought to the court's attention. The various sections of the "Appellant's Brief" submitted by the Plaintiff Pro Se, Melanie Ram discussed the many arguments raised by the Defendant in contrast to the evidence introduced to support them. The documents, laboratory tests, public records, and expert opinions submitted by the Plaintiff confirm toxic mold pollution at 1900 Naval Ave.

The Plaintiff established proximate cause by legally admissible evidence, and the opinion of two treating specialists, Dr. Feld, Gastroenterologist, and Dr. Buscher, an allergies and Environmental Medicine practitioner. During discovery the Plaintiff either fully proved her claims against the Defendant or demonstrated sufficient controversy to warrant procession to trial. The Plaintiff supplied the court with evidence off mold contamination, structural problems, environmental toxicity at 1900 Naval Ave, personal medical records, resident medical history, expert opinion, laboratory tests and offers to present further witnesses, affidavits and evidence. The Plaintiff offered to present medical affidavits from her Kaiser Permanente treating Gastroenterologist "CONTRADICTING" the Defendant's claims as to the source of the Plaintiff's bleeding. By allowing the Defendant to support his allegations with slim contradictory, evidence the trail court shifted a surreal burden onto the Plaintiff. "Due to clear

discord between argument and evidence, as introduced by the Defendant, what rationalization in the court's IMAGINATION did the Plaintiff need to address to persuade the court in her favor?" In failing to present counterclaims without substantial controversy the Defendant was not entitled to Summary Judgment as a matter fact nor law. CR 56d. CR 56

THE ISSUE FOR REVIEW

1.The trial court improperly granted the Defendant's motion for summary judgment because the Plaintiff established reasonable proximate cause and demonstrated multiple issues of finding a fact. 2. The Defendant did NOT present a credible competing theory as to the Plaintiff's health changes after moving onto the Defendant's property. 3 The Defendant did not present a credible competing theory for any claim raised by the Plaintiff against the Defendant. 4 The court overly indulged the Defendant's proclivity towards arguing an imaginary case

the Plaintiff never filed against the Defendant. 5. The Plaintiff litigates multiple claims against the Defendant and no introduced law, or case study individually or cumulatively establishes sufficient legal ground or precedent for granting Defendant's Summary Judgment and dismissing the Plaintiff's entire case. 6. The trial court erred in granting the Defendant's motion for Summary Judgement by failing to comply with stipulations of CR 56 in part or in whole. That is: "the trial court failed to interpret evidence in favor of the nonmoving party should there be room for interpretation as required by CR 56." "The trial court failed order the further introduction of evidence into courter records as necessary to deliberate in favor of the nonmoving party incompliance with CR 56f". 7. Granting the Defendant's motion for Summary Judgement creates an illusion of building habitability contrary to the evidence introduced by the Plaintiff apprising the court of severe public safety issue at 1900 Naval Ave.

Standard of review, DE NOVO.

ARGUMENT

Summary judgment is not a trial, it is not possible to introduce all evidence and witnesses during a summary Judgment. **The initial burden lay with the Defendant to show there was no issue of material fact and it was not met with rational counterclaims backed by evidence.** According to CR 56d the Defendant was expected to present counterclaims without substantial controversy. In the rare occasion the Defendants counterclaims were related to the cause filed by the Plaintiff the evidence introduced was slim and contradictory. Issues By contrast the Plaintiff introduced ample evidence and qualified expert testimony to warrant allowing the case to proceed to continued discovery and trial. Issues 1-7.

Reply to the Appellee's Introduction

The Plaintiff Pro Se, Melanie Ram (Appellant) once more brings it to the court's attention that to great extent, the Defendant (Appellee) is failing to argue the civil suit filed by the Plaintiff. The Defendant's introduction (Reply to Appellants Brief) is a smokescreen here to frustrate the Plaintiff/Appellant and misdirect the court. There is no language in any court records to suggest the Plaintiff filed legal action against Port Washington LLC for exposure to Ulocladium.

Black Mold on the Defendant's ceiling. A history of Leaks

The Plaintiff began showing symptoms of illness consistent with toxic mold exposure many months before January 24, 2017, and a half a year after having moved onto the Defendant's property. Since the Plaintiff did not know there was an environmental problem before January 24th, 2017, she began extensive medical investigations into other possible explanations for the sudden changes in her health. **The**

Plaintiff was diagnosed negative for any known medical condition associated with bleeding and other reported GI symptoms. During the discovery process the Plaintiff proved the changes in her health were symptoms of toxic mold exposure. She provided the court with scientific proof she's a victim of mycotoxin poisoning**. Public records show many tenants on the Defendant's property suffer the same unusual health reactions.** The Plaintiff claimed toxic mold conditions on Defendant's property caused unusual gastrointestinal symptoms. She did NOT claim they were the result of a small spot of mold that appeared on the Defendant's ceiling over a year after she had moved to 1900 Naval Ave. (Issue 4)

The mold on the Defendant's ceiling required a lot of water not just dampness. The ceiling leaked 3 times, twice in the same spot, the third time in a different place. The ceiling was sufficiently wetted to feed the growth of spores only on the third occurrence. This third leak happened in the second area

overnight on January 19 2017. Only this area showed mold growth CP 99 and CP 119 (video evidence.) The other flooded area of the ceiling was never overrun by mold even though the same spot leaked twice. That is, it did not get sufficiently wet to allow the black mold to begin growing. If the spores on the ceiling had been common garden variety they would have thrived over both wetted areas. By contrast black mold requires a lot of water. On January 19 the ceiling got so wet the drywall turned into a sponge and "SWELLED" downward from its natural contour. (Court records.) The mold growing on the Defendant's ceiling needed a lot of water to thrive. **The picture and video (offered to the court during Summary Judgement) support the Plaintiffs claims of long-term sporulation in the building.** CP 99 and 119. According to CR 56f the trial court should have allowed the evidence into court records if necessary to help find in favor of the non-moving party. Black mold produces heavy spores which do not spread

as efficiently. As the evidence suggests the area is covered as if by a carpet. CP 119, is the product of infinite spores that had been released throughout the building for a long time. **The mycotoxin test proves that Stachybotrys as well as Fusarium and Aspergillus were proliferating on the Defendant's ceiling. It is corroborated by the Plaintiffs extreme changes in health profile, public records, and medical testimony. The results of the mycotoxin lab tests enumerate with great precision the Plaintiffs many symptoms alongside the mycotoxin known to induce them.** As proven by the Plaintiff's health records, those symptoms began at 1900 Naval Ave. As the Plaintiff informed the court the building suffered massive structural leaks shortly after the Plaintiff moved in. The Plaintiff discovered two notices on her doors, one just after having moved to 1900 Naval Ave and one the day before she moved out. Both notices stipulated there was a leak somewhere in the building and water service to the entire building was to be shut to track the

source. Bremerton water department records corroborate the Plaintiff's testimony and may be presented to the court. CR 56f. The records also show unusual fluctuation in water consumption and at least one tenant complaint of rocks spewing from faucets. *The Defendant's property had a preexisting condition of severe and repetitive leaking.* By the preponderance of evidence introduced by the Plaintiff, a finder of fact would deliberate in favor of the Plaintiff. The trial court erred in finding in favor of the Defendant during the Defendant's motion for Summary Judgement. (Issues 1-7.) No aspect of the proceedings or applications of CR 56 supports the trial court's decision in view of the evidence introduced.

A single polyp, i.e. a recent mutagenic experience on the defendant's property

Doctor Feld the Plaintiff's treating gastroenterologist discovered a single polyp during the colonoscopy. This single

polyp, here introduced by the Defendant and never discussed before the court, was discovered 1.5 years after the Plaintiff moved onto the Defendant's property. According to Dr. Feld, a Gastroenterologist with 40 years of experience, a single polyp cannot be responsible for either the Plaintiff's bleeding or any other reported symptoms. It takes 10 years from the appearance of the first polyp to the development of cancer. The Plaintiff can provide affidavits from her treating GI specialist in compliance with CR 56f to support this new allegation. CR 56f makes allotments for the supplemental introduction of evidence witnesses and testimony as necessary to ensure justice and find in favor of the nonmoving party. *The aforementioned polyp is further evidence of a mutagenic event on the Defendant's property.*

Dr. Feld's investigation. Toxic exposure as the only rational Explanation for the Plaintiff's health.

Moreover, Dr Feld is a highly respected extremely qualified specialist. *He did not diagnose hemorrhoids as the source of the Plaintiff's symptoms and supplied the court with an affidavit dismissing them as a possible explanation for her health problems. The affidavit was offered to the trial court during the Summary Judgment, presented to the judges bench and emailed to the Defendant. It further establishes the conditions on the Defendant's property as the only rational explanation for the Plaintiffs GI health.* The trial court should have admitted it into evidence in compliance with CR. 56f. Dr Feld has been the Plaintiff's ONLY treating gastroenterologist. **His medical investigation was designed to eliminate ALL OTHER competing explanations for the Plaintiff's health problems after moving onto the Defendant's property.** The Appellant's Brief discusses Dr Feld's medical examination in greater detail.

CP 153 and 154 NOT evidence of a long history of RESPIRATORY or GI medical problems.

CP 153 and 154 are the only evidence the Defendant introduced into court records to support the counterclaim that the Plaintiff had a long history of preexisting medical conditions before 2016.

CP 154 is a summary of a follow up appointment with an MD after the Plaintiff is diagnosed with an ingrown hair during an emergency room consultation. The ER doctor prescribes antibiotics, and notes there are no current hemorrhoids or bleeding. The Plaintiff is an immigrant with a thick accent, can a possibly rushed doctor understand her well? CP 154, the follow up visit, corrects the evident misunderstanding of the ER doctor regarding the Plaintiff's health history. ***"There is no problem list on file for this patient."*** A hemorrhoidal tag is noted in the Plaintiffs records. She indeed once had a

hemorrhoid that bled. She INSISTED on a consultation with a G.I. specialist who neither diagnosed the Plaintiff with a hemorrhoidal problem, nor prescribed medication. In other words, the Plaintiff self-referred to a GI specialist. No treating physician at the time was of an opinion the Plaintiff should see a specialist. No doctor had ever witnessed an active hemorrhoid on the Plaintiff let alone an actual hemorrhoidal problem. As the records indicate all medical examiners have seen the hemorrhoidal tag left by a hemorrhoid a long time ago. The consulting specialist examined and advised the Plaintiff her reports were very normal. The GI visit is noted in CP 154. Dr. Burrows has time and access to the Plaintiff's medical records and can see the visit summary for the GI specialist. As he notes, **"There is no problem list on file for this patient."** Moreover, another note in the Plaintiff's records indicates she made dietary changes and no longer sees any hemorrhoids. The Plaintiff can supply the court with additional

records if necessary, as stipulated by CR 56f. However, if the Defendant insists the Plaintiff had a long history of GI and respiratory issues where are the medical records supporting such allegations? The Defendant introduced only CP 153 and 154 in support of his claims of abysmal health problems predating the Plaintiffs residence at 1900 Naval Ave. During Summary Judgment the Plaintiff met the Defendant's counterclaim with argument highlighting the discrepancy between these documents and their interpretation. A finder of fact would find in favor of the Plaintiff and the trial court erred in dismissing the Plaintiff's case. Moreover, as noted in trial court records, Kaiser Permanente offers an HRA stipend to patients who present themselves for a routine health checkup (~ 150$.) For taking an online questionnaire the reward is 350$. In a lifetime prior to 2016 the Plaintiff accessed her online medical profile 4 times. Between September 2016 and today the Plaintiff accessed her medical profile, over 360

times. For public safety, the Plaintiff requests her complete medical history be entered into court records should the court decide to sustain the trial court's decision.

Argument against the Defendant's misrepresentation of the Plaintiff's medical history.

The Plaintiff's first medical investigation began in September 2016. Based on a physical inspection and reported symptoms Dr. Lomotan referred the Plaintiff to a GI specialist. The Defendant is misrepresenting CP 159. The document is a unilateral summary by Dr. Lomotan, written without patient consent or knowledge after a very brief phone conversation. These notes are not the result of a physical consultation. They were discussed in the Plaintiff's Appellant's Brief and the industry bias is clear. The Plaintiff's GERD was not induced by smoking but by an H. pillory infection. **Uncontrolled proliferation of normal microorganism flora is a proven side**

effect of toxic exposure CP 282-285. The Plaintiffs symptoms, GI investigation and side effects of mycotoxin poisoning were discussed at length in the Appellant's Brief. Moreover, the Plaintiff never experienced GERD before moving onto the Defendant's property nor since it was treated by Dr. Feld, smoking status irrelevant.

CP 241-243 is an e-mail from doctor Butler to the Plaintiff apologizing his processes during the Plaintiff's allergies appointment. Systemic patient profiling, Dr. Butler notes a 'strong scent of smoke upon entering the room but fails to note the Plaintiff's complaint of a rash on the right shoulder. Skin reactions are common in people with type 1 allergies. The Plaintiff's discussed this visit at length in the Appellant's brief, Summary Judgement and other records. Dr. Butler's consultation does not make a case for the Defendant's claims. The skin tests executed in his office prove the Plaintiff may not have allergies to the handful of tested molds. It does not

change the fact there are a hundred thousand different molds and, to at least one of them, the Plaintiff is allergic. The Plaintiff did not have a chance to introduce witnesses to her physical state post exposure. The Defendant notes some of the symptoms "stinging in her tongue and nose, palpitations/tachycardia , throat tightening (extreme reaction), chest pressures (extreme reaction.)"

The second allergist, Dr. Krous is deceased. He did not test the Plaintiff for skin allergies. Mr. Burina Zlatko, his nurse, executed the skin testing using the Plaintiff's by now, dead mold sample. The court granted the Plaintiff's subpoena to Kaiser Permanente to obtain Mr. Zlatko contact information for trial purposes (Appellants Brief.) He is a retired nurse with many years of field experience. Mr. Zladko notes indicate the Plaintiff's reaction to the sample was NOT negative. His opinion was that the Plaintiff was showing a reaction to the mold sample collected on Defendant's property on February

3rd, 2017. The mold was dead as it had been stored on tape in a zip lock bag for eight months without nutrients or water. Any response is suggestive of the intensity of reaction the Plaintiff had to the living sample. The Plaintiff's experience in the Kaiser Permanente Allergies offices was discussed at length in Appellant's Brief. There is no doubt there are issues of finding of material fact on the Plaintiff's claim of having had a type one allergic reaction. *This issue alone creates grounds to preempt the court from finding for the Defendant and allowing the case to proceed to trial. The trial court erred in finding in favor of the Defendant by not ensuring the absence of "issues without substantial controversy" as stipulated by CR 56d.*

Moreover, the Plaintiff's treating environmental specialist and allergist diagnosed the Plaintiff with severe allergies upon skin testing to common allergens. In fact, both Dr. Krouse and Dr. Buscher diagnosed the Plaintiff with the same medical condition i.e. rhinitis. Dr. Krous however claimed it was "non-

allergic rhinitis" while Dr. Buscher claimed it was "allergic rhinitis." Another issue of material fact, though one thing is conclusive, Dr Butler did not diagnose the Plaintiff with any medical condition besides smoking. Dr. Krous's diagnosis begins to acknowledge that something possibly related to allergies is happening in the Plaintiff's respiratory health. He's final claim is that there is no way of knowing what happened to the Plaintiff on the night of Feb. 3rd. Issues 1-6 apply to the allergies topic and based on the argument and evidence introduced into records the trial court failed to apply most stipulations of CR 56. The allergies topic leads to another of the Plaintiff's claims against the Defendant, *"that there is a way to know exactly what happened on his property on the night of Feb. 3rd 2017, by securing an appropriate substitute mold sample.* During a trial court motion the Plaintiff introduced into court records an affidavit from a Dr. Tucker, also a Kaiser Permanente allergist. Dr. Tucker supports the

Plaintiff's claim that an appropriate mold sample could help identify the nature of the reaction.

Dr. Buscher's deposition and expert opinion

The Defendant's council arranged Dr. Buscher's deposition but failed to inform Dr Buscher he was to be deposed by the Defendant's. Under these circumstances it was unreasonable for the Defendant to expect doctor Buscher to remember private, nonmedical details about the Plaintiffs such as residential history. These details are not pertinent to whether the Plaintiff's documented medical problems past, or current are symptoms known to be induced by toxic mold exposure or allergies.

Doctor Buscher was anxious and thrown at the start of his deposition. He quickly recovered however and demonstrated accurate knowledge of the Plaintiff's past medical history as well as the attitudes she encountered in the Kaiser

Permanente. In other words, Dr. Buscher is well aware of the Plaintiff's medical history. It is his medical opinion the change in the Plaintiff's health at 1900 Naval Ave, alongside mold discovery, and the results of mycotoxin tests make the Defendant's property the probable source of the Plaintiffs toxic exposure.

Dr. Buscher does not believe the Plaintiff's exposure to toxic mold was recent because. He did not suspect a problem with the Plaintiff current apartment and air testing proved him right. CP 322-324. However, the Plaintiff's apartment was cross contaminated with toxic pollutants carried out of 1900 Naval Ave (Ed lab report.) Dr. Buscher clearly states his medical opinion on the connection between mold, 1900 Naval Ave, the Plaintiff's ensuing health problems, and the proof of toxic exposure. "**well, from what I understand when she started getting sick, all the sinus trouble, the respiratory and intestinal trouble, the rectal bleeding and all that... her**

symptoms started when she was living in that first place she mentioned, I think the one we're talking about, with the sinus and the respiratory symptoms the headaches all that that's when I believe it started." The Plaintiff respectfully asks the court to read Dr. Buschers entire deposition. Mold tests at the Plaintiff's current residence, executed after his deposition, prove the Plaintiff is not the victim of a recent black mold exposure. The Plaintiff's records prove her health problems began at 1900 Naval Ave. The Plaintiff's mycotoxin report proves the problems experienced by the Plaintiff after moving to 1900 Naval Ave are health problems induced by toxic mold exposure CP 282-285 (elaborated in the appellant's brief.)

Lab tests ran by Kaiser Permanente prove no other known disease or condition could have been the source of the Plaintiff's reported symptoms. The Plaintiff supplied the court with an excess of evidence to support her claims regarding the G.I impact of mycotoxin poisoning. By contrast the Defendant

introduced solely the opinion of a litigation specialist. As stated, Dr. Darby never met the Plaintiff and is not a Gastroenterology specialist. **Dr. Feld supplied an affidavit contradicting Dr. Darby's diagnosis of hemorrhoids as the source of the Plaintiff's medical condition**. The Plaintiff's medical records prove she was in extremely good health prior to moving on the Defendant's property. The Plaintiff's GI history and the evidence presented to the court by both parties support the Plaintiff's claims. The trial court erred in granting the Defendant' motion for Summary Judgment. No finder of fact will find in favor of the Defendant regarding the Plaintiff's Gastrointestinal issues after taking residence on the Defendant's property. Issues 1-6. CR 56

Both, Dr. Buscher and Dr. Feld, have agreed to appear at trial as the Plaintiff's medical experts.

The Plaintiff's is induced to collect a mold sample, breaking and entering, and the amended claims.

The Plaintiff claimed she had a severe allergic reaction to some unidentified substance in apartment 50, after collecting a sample of mold to document the problem. The behavior was driven by the necessity to vacate the property and break the Plaintiff's lease. The coercion to vacate was dictated by the Defendant's refusal to execute proper repairs for close to two weeks after the mold was discovered.

On February 3rd 2017 the Plaintiff Melanie Ram filed the work order with the Defendant CP 383 forbidding landlord entry in her absence. Said work order is completed in the hand writings of Mr. Dick Deck (apartment manager) and the Plaintiff's. ***Steve, a friend of the Plaintiff filmed the collection process. He is a witness to the Plaintiff's claim that the mold was still in unit 50 on Friday Feb. 3rd 2017 after business***

hours. There are witnesses to the Feb 10 2017 fight between the Plaintiff and the apartment manager over the removal of the mold in her absence. By contrast the Defendant has provided the court with no proof the mold problem was repaired on Feb. 3rd. The need to identify the mold strain responsible for the allergic reaction necessitated great investments of time and money on behalf of the Plaintiff. The apartment was entered, and the mold removed without the Plaintiff's permission. This preempted the Plaintiff from collecting needed, appropriate samples. The Plaintiff never claimed she had a type one allergic reaction to Ulocladium. By contrast she claimed a type 1 allergic reaction to something whose presence was confirmed in the collected sample but whose identity was unknown. The Plaintiff also claims a need of a substitute sample for allergies testing. This is one of the topics of the Plaintiff's amended claims. Some of the proposed claims were intended to enlist the help of the jury in

compelling the Defendant to comply with her requests for discovery. The trial court denied these claims while permitting claims related to fiscal damages. Great evidence the Defendant illegally entered the Plaintiff's apartment. His actions caused various damage and the plaintiff seeks a replacement sample. This claim, alone, should have preempted the court from discarding the plaintiff's case as the preponderance of argument and possible witnesses are in favor of the plaintiff. CR 56f.

Ulocladium and more in the collected sample

Contrary to the Defendant's arguments, the "Home Mold" and "Blue Sky Testing" lab reports document unidentified substances on the Defendant's ceiling. The Home Mold Lab report proves there were other types of mold in the sample the Plaintiff collected and Uloclaidium was not the predominant species. The Blue Sky Testing report (to whom

the Plaintiff had mailed the sample late in the evening of Feb. 3rd, 2017) proves other mold strains were present in the sample. Blue Sky Testing claims Uloclaidium is the predominant type. Nonetheless, the Plaintiff was asked for 350 dollars in exchange for the identity of the other mold present in the sample. The charge for the identity of Ulocladium was 80 dollars. ***Side by side the two laboratory reports create an issue of material fact. Based on this evidence, the trial court erred in granting the Defendant's motion for Summary Judgement.*** Nearly all stipulations of CR 56 apply to the issue of mold removal and the trial court complied with none. C.R. 56 D requires " no substantial controversy" to be found in granting a motion for Summary Judgment." CR 56e stipulates Summary Judgement is to be awarded "if appropriate." CR 56f directs the permission of "affidavits to be obtained or depositions to be taken or discovery to be had or to make such other order as is just." The trial court was informed the

language in lab tests did not support the Defendant's allegations. The court did not ask for clarifications if necessary. **The fact was and is the lab results support the Plaintiffs' claims of a mystery substance in the collected sample.** The Plaintiff had to invest years and resources in trying to determine its identity because the landlord entered her apartment without permission to remove the mold. The reports clearly contradict the Defendant's assertions there was nothing but Ulocladium on the Defendant's property. Exposure to one or more of the unidentified substances caused the Plaintiff a potentially lethal allergic response. The Plaintiff moved into a hotel room on February 7 2017 and removed her belongings from the Defendant's property the on Feb.10, 2017. She turned in the keys on February 15 even though she had paid rent for the entire month. The behavior within itself is indicative the Plaintiff suffered a shock. She had lived on the property for nearly 1.5 years and discovered the mold nearly

two weeks before Feb 3rd 2017. However, on Feb 3rd, before handling the mold, she paid her rent, as would someone still hoping to stay (the Plaintiff had been promised a repairman would show on Feb. 3rd.). Four days later the Plaintiff was renting a hotel room. She was snowed in on the 6th and only realized she had gone into anaphylactic shock on the fifth. **There are witnesses who can corroborate the Plaintiff's claim of an allergic reaction by the events of Feb. 4th** Such witnesses never had a chance to be heard. It is not reasonable to expect the Plaintiff to summon every possible witness and present every article of evidence or argument during a Summary Judgement. Dismissal of the Plaintiff's case will unjustly prohibit compelling evidence and witnesses from being presented to a finder of fact. The Plaintiff has presented an extreme preponderance of evidence in favor of her claims. A jury trial would never find in favor of the Defendant.

<u>Amendment in Light of Discovery.</u>

Side effects of neurotoxic exposure.

The Plaintiff amended her complaint "in light of discovery". And it was allowed in part. 1900 Naval Ave is a social justice and public safety issue as well a new future for neuroscientific discovery. Mycotoxins are dismissed, extreme tools in beginning to understand how the human brain works. They are palpable environmental chemistry with great impact on emotion, suicide, aggression, depression as well as rational process. The Plaintiff amended her complain in light of discovery to include the impact of neurotoxic exposure, etc. The claims were allowed though no further discovery was permitted as the case was thrown out of court short of compliance with all stipulations of applicable law. It was so done without a right to ANY indication as to what decisive fact or testimony supported the trial court's decision. The mouse pictogram introduced by the Plaintiff into court records is a detail study of suicidal, aggressive manifestations on the

Defendant's property, 911 profiles. The Plaintiff was inspired to check the police records based on her experience of the exposure. The 911 reports support the Plaintiffs claim of neurotoxic impact at 1900 Naval Ave. The pictogram excludes most of the calls made from the property including those suggestive of paranoid activity, illustrating only the spatial, temporal correlation of victims of suicidal and aggressive behaviors. There is a spatial, temporal clustering of psychiatric activity at 1900 Naval Ave. The same body part represents the same year regardless of spatial arrangement throughout the building. As the pictograms indicates, manifestation are more likely in specific areas of the building during specific years. A police statistical analysis prepared for the Plaintiff states the incidence of suicidal and domestic violence behaviors at 1900 Naval Ave is higher than on any comparable properties. CP 411 That is the pictogram illustrates mostly individuals brutalizing themselves or their families rather than neighborly fights.

Moreover, one of the comparison buildings has a higher rate of 911 activity but a LOWER rate of suicide and domestic violence. This is a 117 unit building of strictly 2- and 3-bedroom apartments. By contrast 1900 Naval Ave is a 70 apartment multiplex of mostly 1 bedroom units. The comparison property is likely to house at least 2 to 3 three times the population of 1900 Naval Ave. Nonetheless, it does not display a higher rate of suicidal behavior or domestic violence. To read the 911 reports is to see the residents are under EXTREME torment. The neurotoxic chemistry lacing the Defendant's property manipulates the chemistry of the brain. The 911 files corroborate the Plaintiff's own testimony. In 2020 the Plaintiff reported neurological impact to her treating physicians before she acquired scientific proof of exposure to mycotoxins. Dr. Buscher's mycotoxin report show the Plaintiff was correct in her assessment of experience.

Adding the number of curves per column and then adding the total for any 3 adjacent columns will yield indices of toxicity through the building. The totals are highest near columns where LONG-TERM residents move out in body bags (rectangles) or in handcuffs. The indices provide the highest numbers near units 321 where a decade long resident commits suicide in 2019. Ernie hung himself with a belt in his closet. This happened two years after the Plaintiff tried to enlist help from the health department. Three floors down, the resident of unit 122, (unit also rented by the Plaintiff) dies while residing on the property. How long did he reside at 1900 Naval Ave? The numbers are also highest near unit 314. Here dies a 37-year-old resident who also suffered from GI bleeding, severe allergies and muscle aches (the same health problems reported by the Plaintiff.) The Plaintiff too resided in unit 314. This suggests the building was toxic at least 8 years before the Plaintiff arrived. There is no indication the coroner's office

checked for mycotoxin poisoning. Her neighbor in unit 214 develops dementia within a couple of years. From police files she is known to reside on the property by 2008 through there is no indication yet as to when she might have moved in. None of the Plaintiff's requests for discovery were honored by the Defendant. The Plaintiff was verbally forbidden from entering the property. She intends to secure legal representation after the appeal.

A bar graph of the total number of 911 calls from 1900 Naval Ave is bell shaped between the years 2006 and 2014. This is consistent with a gradual increase in building toxicity, discovery, and a gradual though incomplete dissipation of toxins.

There are powerful reactions between alcohol and mycotoxins. This fact is confirmed by the Plaintiff's experience and other 911 reports involving alcohol and unexplained,

decision will prevent further evidence from becoming public knowledge. Throughout the process the Plaintiff engaged in perpetual public safety efforts, including through attempts in her amended claims as well as in preparation for the settlement conference.

Exhibit F is proof of landlord negligence. It automatically warranted air test to ensure building safety. The Defendant has not produced any evidence he engaged in any due diligence. Ignoring it is not due diligence.

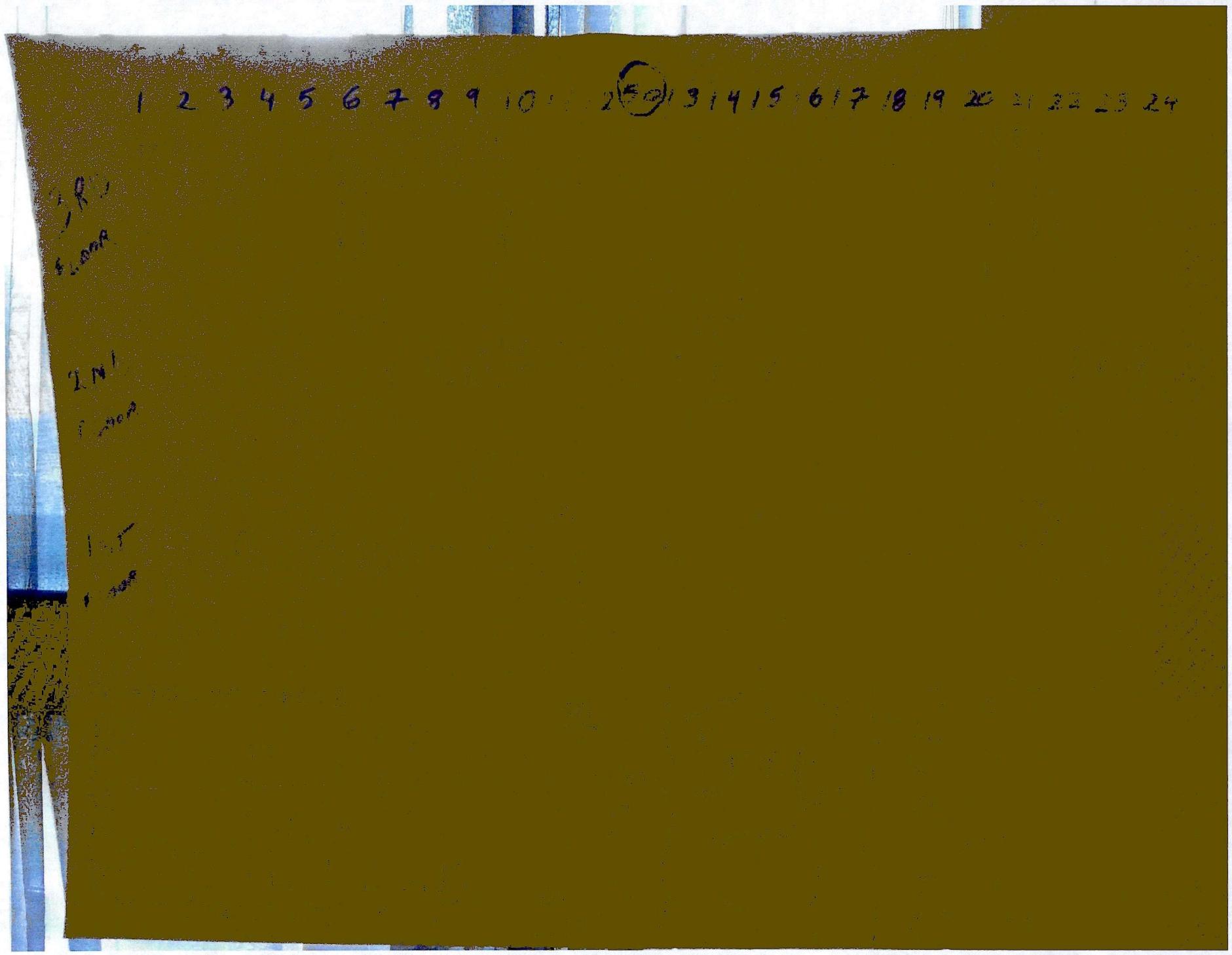
The Plaintiff litigates multiple claims against the Defendant and no introduced law, or case study individually or cumulatively establishes sufficient legal ground or precedent for granting Defendant's Summary Judgment and dismissing the Plaintiff's entire case.

CONCLUSION

The Plaintiff respectfully ask this court to rescind the trial courts order of December 6 2021 and remit the case to the lower court for continued discovery and trial. The Plaintiff respectfully asks the court to order the Defendant to reimburse the Plaintiff for the cost of transcripts, appellate filing fees, process service, clerks papers and document copying associated with the appeals process. The Defendant served the Plaintiff with Discovery papers between the time the motion for Summary Judgement was filed and the hearing was held. The Defendant caused unjust delays and costs to the Plaintiff by filling for summary judgment knowing it should fail yet hoping to get lucky in court.

I declare this Document contains 5950 words.

RESPECTFULLY SUBMITTED this 20th Day of July, 2022 by Appellant, Plaintiff Pro Se, Melanie Ram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CERITIFICATE OF SERVICE

I declare under penalty of perjury of the laws of the State of Washington that on the date below: 07.20.22 a copy of the foregoing documents: Appellant's Reply Brief was forwarded for service upon council of record as follows:

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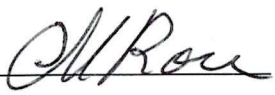
Plaintiff Pro Se, Appellant: Melanie Ram 

Appellant's Melanie Ram's Certificate of Service-2